

PATENT  
Docket No. 0058-0001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
John REOHR III	)	Group Art Unit: 2154
	)	
Application No.: 09/923,736	)	Examiner: Larry D. Donaghue
	)	
Filed: August 7, 2001	)	
	)	
For: VIRTUALIZED NETWORK	)	

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**DECLARATION OF JOHN REOHR III UNDER 37 C.F.R. § 1.132**

I, John Reohr III, hereby make the following declaration:

1. I am the inventor of the invention described in the above-referenced U.S. patent application Serial No. 09/923,736, filed August 8, 2001 ("the '736 application").
2. I have read the Office Action dated July 28, 2006 that was provided in connection with the '736 application, and note that the Examiner has rejected claims 1, 3-5, 7-9, 11, 13, 15, 16, 18-22, and 24-35 under 35 U.S.C. § 102(b) as being clearly anticipated by the documentation of REOHR (Copy of deposited work registered in the U.S. Copyright Office under number "Txu 790-574," entitled "A VIRTUALIZED NETWORK", Jan. 3, 1997).
3. I am the copyright owner or claimant of the copyright "A VIRTUALIZED NETWORK," and submitted the documentation of REOHR as the copyright deposit in support

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of that copyright.

4. I believe the Copyright Office received REOHR on January 3, 1997 as evidenced by the date stamped on page 2 of REOHR.

5. Other than the copy of REOHR submitted to the Copyright Office as the copyright deposit, no further copies of REOHR were disseminated by me.

6. I understand that according to 37 C.F.R. § 201.2(d)(2), photocopies of REOHR could be provided by the Copyright Office to others only upon specific authorization by me (as the copyright owner or claimant), for pending litigation, or by a court order.

7. I (as the copyright owner or claimant) have never provided authorization to anyone to order a photocopy of REOHR.

8. I further submit that, upon information and belief, the copyright "A VIRTUALIZED NETWORK" was never the subject of a pending litigation, and as such, has not been the subject of a court order. I have never received notice of a pending litigation or a court order regarding the copyright "A VIRTUALIZED NETWORK."

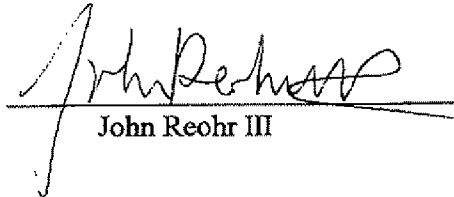
9. In light of the above, I believe that all persons, other than myself, were and/or are precluded from seeing and copying REOHR at all times.

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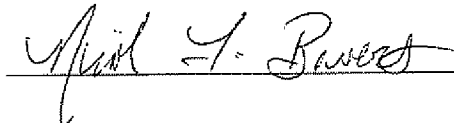
10. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Date: 9/25/06

  
John Reohr III

On this 25<sup>th</sup> day of September, 2006, before me, the undersigned notary public, personally appeared John Reohr, III, provided to me through satisfactory evidence of identification, which was PA License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me he signed it voluntarily for its stated purpose.

 Official Signature and Seal of Notary

